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Group 3700

08/580,493

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Number: 6,505,391 B1

Patent Date: 2003, Jan 14

Applicant: Philippe Berna

Patent Title: PROCESS FOR MAKING A VERSATILE CLAMPING DEVICE
DESIGNED TO HOLD OBJECTS WITHOUT DAMAGING THEM, SUCH A
DEVICE AND ITS USE.

This patent has been issued on application No. 08/580,493, filed on 1995, Dec 29, which is a continuation of application No. 08/321,589, filed on 1994, Oct 12, now abandoned, which is a continuation of Serial No. 07/938,211, filed 1992, Sep 3, now abandoned, and itself the National Stage of International Application No. PCT/FR91/00190, filed March 8, 1991.

Examiner/GAU: David Bryant/3726

Molières-sur-Cèze, France, 2003, February 13, Thu

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U.S. Patent and
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REQUEST FOR A CLARIFICATION REGARDING THE PATENT TERM
Hon. Commissioner for Patents
Washington, District of Columbia 20231

Sir:

Applicant respectfully requests a clarification regarding the term of patent 6,505,391. Applicant is hesitating between several possibilities. Normally, according to M.P.E.P. 2701, as this patent results from an original application, which was filed on 1992, September 3, that is to say well before 1995, June 8, article 35 U.S.C. 154 (c)(1) should apply. Indeed 1995, June 8 is the date that is six months after the date of the enactment of the Uruguay Round Agreement Act. So the term of this patent should be the greater of 20 years from the application filing date or 17 years from the issuance, provided of course that all maintenance fees would be paid on due time and there would be no terminal disclaimer. But on the front page of the copy of the deed of the patent that applicant received on 2003, January 22, 35 U.S.C. 154 (a)(2) is cited and not 35 U.S.C. 154 (c). If only 35 U.S.C. 154 (a)(2) is relevant in that case, that would amount to grant to this patent a term of only 20 years from the date of the original application, which would give a retroactive force to the Uruguay Round Agreement Act. That would be surprising since retroactive laws are prohibited

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by the US Constitution (see article I, section 9, § 3, and section 10, § 1). Applicant is confused. So he would be grateful to receive from the US PTO a clarification telling when this patent would expire, provided that all maintenance fees would be paid on due time and there would be no terminal disclaimer.

Very respectfully submitted,

*Philippe BERN*A

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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper of two pages including this one is being facsimile transmitted to the Patent and Trademark Office (Customer Service of Technology Center 3700) on the date shown below.

Philippe Berna

*Philippe BERN*A

02/13/03

Signature

Date